



IN REPLY REFER TO:

3809
U-77034
U-77761
(UT-023)

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Salt Lake Field Office
2370 South 2300 West
Salt Lake City, Utah 84119

RECEIVED

JUL 17 2000

DIVISION OF
OIL, GAS AND MINING

JUL 14 2000

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Certified Mail # Z 181 696 992
Return Receipt Requested

Mr. Lon Thomas
Star Stone Quarries, Inc.
4040 South 300 West
Salt Lake City, Utah 84107

Dear Mr. Thomas:

On June 15, 2000, we received your new Plan of Operations (Plan) to conduct mining and quarrying activities on your Rosebud #1 and #2 placer mining claims located in T. 10 N., R. 16 W., Section 14 (UMC-354975-354976). Your new Plan covers essentially the same ground as your previous Plan that was never perfected (casefile U-77034). We are therefore closing the previous casefile. Your new Plan has been designated as casefile U-77761. Please refer to that number in any correspondence related to your Plan.

In your submitted Plan, you indicate that you are proposing to mine building stone and decorative stone from your Rosebud mining claims. You state on page 5 of your Plan that "the mined material consists of quartzite that is used as decorative stone for exterior and interior walls of buildings; also for patios, floors, fireplaces, rock walls, and many types of lawn decorations". These uses are considered by the Bureau of Land Management (BLM) to be common uses for which a variety of common mineral materials are suitable.

The Rosebud #1 and #2 placer mining claims were located on April 22, 1994. It is our opinion that you are proposing to mine common variety mineral materials (salable minerals) under the auspices of the mining law. As described at 43 CFR 3711.1(b), "common varieties" include deposits which, although they may have value for use in trade, manufacture, the sciences, or in the mechanical or ornamental arts, do not possess a distinct, special economic value for such use over and above the normal uses of the general run of such deposits. On July 23, 1955, Public Law 167 (69 Stat. 368; 30 U.S.C. 611) was passed to prohibit further location of common variety minerals. The Act stated:

No deposit of common varieties of sand, stone, gravel, pumice, pumicite, or cinders and no deposit of petrified wood shall be deemed a valuable mineral deposit within the

meaning of the mining laws of the United States so as to give effective validity to any mining claim hereafter located under such mining laws.

For minerals to be uncommon, and therefore locatable, they must meet the following criteria, as cited in McClarty v. Secretary of Interior, 408 F. 2d. 907, 908 (9th Cir. 1969):

1. There must be a comparison of the mineral deposit in question with other deposits of such minerals generally;
2. The mineral deposit in question must have a unique property;
3. The unique property must give the deposit a distinct and special value;
4. If the special value is for uses to which ordinary varieties of the mineral are put, the deposit must have some distinct and special value for such use; and
5. The distinct and special value must be reflected by the higher price which the material commands in the market place, or by reduced cost of overhead so that the profit to the claimant would be substantially more.

We will not approve your Plan of Operations until a common variety determination has been made whether or not the subject quartzite building stone is locatable or salable. Using the criteria outlined above in the McClarty decision, this investigation will examine whether, through physical evidence, the subject mining claims are supported by a valuable mineral deposit. The examination will encompass mapping geology and mineralization in relation to mining claim boundaries, sampling discovery sites as well as any other sites that will quantify and qualify the deposit. All data collected will be used to conclude in a mineral report whether the quartzite building stone is a common variety mineral or uncommon and therefore locatable. In the event that the quartzite building stone is determined to be common variety, then a validity determination will be conducted and a contest complaint will be issued.

We request that you provide this office with any supporting information you may have included, but not limited to, production data, drillhole data (if available), mining cost information (including equipment, transportation and labor costs), marketing arrangements, sales receipts, sales contracts, a breakdown of products sold and retail prices received from the quartzite building stone removed from the Rosebud #1 and #2 placer mining claims, or any other information you may have regarding the character of the mineral deposit that you may provide for our use. If you fail to provide any or all of the requested information, we will develop this information independently. Additional information may be requested at a later date.

We understand that much of the data we are requesting may be confidential. Any information you provide to BLM staff which you request to be kept confidential will be used and stored separately from other information collected and analyzed during this investigation. It will only be made available to mineral examiners assigned to this case. The confidential information you supply is not available to other BLM staff nor is it available to the public through the Freedom of Information Act.

Please submit the requested information within 60 days of receipt of this letter. If we do not receive any of the requested information from you, we will have to determine the marketability of the subject deposit independently. If you have any questions, or require additional information, please feel free to contact Michael Ford of my staff at (801) 977-4360.

Sincerely,

GLENN A. CARPENTER

Glenn A. Carpenter
Field Office Manager

cc:

D. Wayne Hedberg
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, UT 84114-5801